

JUDGE KEENAN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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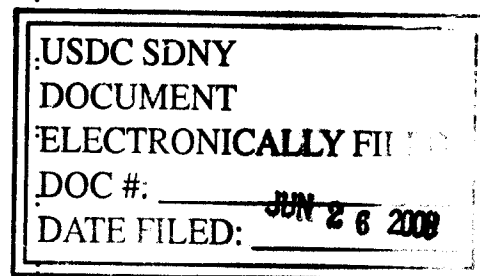
UNITED STATES OF AMERICA

: SEALED
: INDICTMENT

- v. -

08 CRIM 08 581

VICTOR MELENDEZ,
a/k/a "El Viejo,"
a/k/a "Flaco,"
JORGE BRIONES,
a/k/a "Che,"
LUIS PESTANA,
a/k/a "Lusito,"
a/k/a "Gordo,"
JESUS MENA-CANCEL,
a/k/a "Mambo,"
a/k/a "Rob," and
MANUEL BAEZ,
a/k/a "Manny,"
a/k/a "Chulo,"



Defendants.

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COUNT ONE

(Narcotics Conspiracy)

The Grand Jury charges:

1. From approximately in or about February 2007 through at least in or about March 2008, in the Southern District of New York and elsewhere, VICTOR MELENDEZ, a/k/a "El Viejo," a/k/a "Flaco," JORGE BRIONES, a/k/a "Che," LUIS PESTANA, a/k/a "Lusito," a/k/a "Gordo," JESUS MENA-CANCEL, a/k/a "Mambo," a/k/a "Rob," and MANUEL BAEZ, a/k/a "Manny," a/k/a "Chulo," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate

and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that VICTOR MELENDEZ, a/k/a "El Viejo," a/k/a "Flaco," JORGE BRIONES, a/k/a "Che," LUIS PESTANA, a/k/a "Lusito," a/k/a "Gordo," JESUS MENA-CANCEL, a/k/a "Mambo," a/k/a "Rob," and MANUEL BAEZ, a/k/a "Manny," a/k/a "Chulo," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of a mixture and substance containing a detectable amount of cocaine, in violation of Title 21, United States Codes, Sections 812, 841(a)(1), and 841(b)(1)(A).

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about November 28, 2007, VICTOR MELENDEZ, a/k/a "El Viejo," a/k/a "Flaco," placed a phone call from Westchester County to JORGE BRIONES, a/k/a "Che."

b. On or about November 28, 2007, JORGE BRIONES, a/k/a "Che," the defendant, entered the residence of VICTOR MELENDEZ, a/k/a "El Viejo," a/k/a "Flaco," carrying narcotics proceeds.

c. On or about January 16, 2008, JORGE BRIONES, a/k/a "Che," the defendant, entered the residence of MELENDEZ carrying narcotics proceeds.

d. On or about October 26, 2007, LUIS PESTANA, a/k/a "Lusito," a/k/a "Gordo," the defendant, placed a phone call to MELENDEZ.

e. On or about December 1, 2007, JESUS MENA-CANCEL, a/k/a "Mambo," a/k/a "Rob," the defendant, placed a phone call to MELENDEZ.

f. On or about October 19, 2007, MANUEL BAEZ, a/k/a "Manny," a/k/a "Chulo," the defendant, met with a co-conspirator not named herein in Manhattan, New York.

(Title 21, United States Code, Section 846.)

COUNT TWO

(Money Laundering Conspiracy)

The Grand Jury further charges:

4. From in or about February 2007 through at least in or about March 2008, in the Southern District of New York and elsewhere, VICTOR MELENDEZ, a/k/a "El Viejo," a/k/a "Flaco," JORGE BRIONES, a/k/a "Che," LUIS PESTANA, a/k/a "Lusito," a/k/a "Gordo," and JESUS MENA-CANCEL, a/k/a "Mambo," a/k/a "Rob," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to violate Section 1956(a)(1)(B)(i) of Title 18, United States Code.

5. It was a part and an object of the conspiracy that VICTOR MELENDEZ, a/k/a "El Viejo," a/k/a "Flaco," JORGE BRIONES, a/k/a "Che," LUIS PESTANA, a/k/a "Lusito," a/k/a "Gordo," and JESUS MENA-CANCEL, a/k/a "Mambo," a/k/a "Rob," the defendants, and others known and unknown, in an offense involving and affecting interstate and foreign commerce, knowing that the property involved in certain financial transactions, to wit, the transfer of hundreds of thousands of dollars in cash, represented the proceeds of some form of unlawful activity, unlawfully, willfully, and knowingly would and did conduct and attempt to conduct such financial transactions which in fact involved the proceeds of specified unlawful activity, to wit, the proceeds of illegal narcotics transactions, knowing that the transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

Overt Acts

6. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about November 28, 2007, VICTOR MELENDEZ, a/k/a "El Viejo," a/k/a "Flaco," placed a phone call from Westchester County to JORGE BRIONES, a/k/a "Che."

b. On or about November 28, 2007, JORGE BRIONES, a/k/a "Che,", the defendant, entered the residence of VICTOR MELENDEZ, a/k/a "El Viejo," a/k/a "Flaco," carrying narcotics proceeds.

c. On or about January 16, 2008, JORGE BRIONES, a/k/a "Che,", the defendant, entered the residence of MELENDEZ carrying narcotics proceeds.

d. On or about October 26, 2007, LUIS PESTANA, a/k/a "Lusito," a/k/a "Gordo," the defendant, placed a phone call to MELENDEZ.

e. On or about December 1, 2007, JESUS MENA-CANCEL, a/k/a "Mambo," a/k/a "Rob," the defendant, placed a phone call to MELENDEZ.

(Title 18, United States Code, Section 1956(h).)

COUNT THREE

(Distribution and Possession with Intent to Distribute Cocaine)

The Grand Jury further charges:

7. On or about March 3, 2008, in the Southern District of New York and elsewhere, JORGE BRIONES, a/k/a "Che," the defendant, unlawfully, intentionally, and knowingly, did distribute and possess with intent to distribute a controlled substance, to wit, 500 grams and more of a mixture and substance containing a detectable amount of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(B).)

FORFEITURE ALLEGATION AS TO COUNT ONE

8. As a result of committing the controlled substance offense alleged in Count One of this Indictment, VICTOR MELENDEZ, a/k/a "El Viejo," a/k/a "Flaco," JORGE BRIONES, a/k/a "Che," LUIS PESTANA, a/k/a "Lusito," a/k/a "Gordo," JESUS MENA-CANCEL, a/k/a "Mambo," a/k/a "Rob," and MANUEL BAEZ, a/k/a "Manny," a/k/a "Chulo," the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment.

9. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value;
or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture

of any other property of said defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846, and 853.)

FORFEITURE ALLEGATION AS TO COUNT TWO

10. As a result of committing the money laundering offense in violation of Title 18, United States Code, Section 1956, alleged in Count Two of this Indictment, VICTOR MELENDEZ, a/k/a "El Viejo," a/k/a "Flaco," JORGE BRIONES, a/k/a "Che," LUIS PESTANA, a/k/a "Lusito," a/k/a "Gordo," and JESUS MENA-CANCEL, a/k/a "Mambo," a/k/a "Rob," the defendants, shall forfeit to the United States pursuant to Title 18, United States Code, Section 982, all property, real and personal, involved in the money laundering offenses and all property traceable to such property.

Substitute Asset Provision

11. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third person;
 - c. has been placed beyond the jurisdiction of the Court;
 - d. has been substantially diminished in value;
- or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 982 and 1956.)

FORFEITURE ALLEGATION AS TO COUNT THREE

12. As a result of committing the controlled substance offense alleged in Count Three of this Indictment, JORGE BRIONES, a/k/a "Che," the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment.

13. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value;
or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846, and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
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"Flaco," JORGE BRIONES, a/k/a "Che," LUIS
PESTANA, a/k/a "Lusito," a/k/a "Gordo,"
and JESUS MENA-CANCEL, a/k/a "Mambo,"
a/k/a "Rob,"

Defendants.

INDICTMENT

08 Cr.

(21 U.S.C. §§ 812, 841(a)(1),
841(b)(1)(A), 841(b)(1)(B), and 846; 18
U.S.C. § 1956(h))

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Foreperson.

Indictment Filed under seal. 3 A/W issued.

SRM
6/26/08

- Hoos, J.